

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**JULIA B. GRAY,**

**Plaintiff,**

**v.**

**ATKINS LAW OFFICES, LC and  
NCO FINANCIAL SYSTEMS, INC.**

**Defendants.**

**CASE NO. 2:10-1185**

**NOTICE OF REMOVAL**

**NOW INTO COURT**, through undersigned counsel, comes Defendant, NCO Financial Systems, Inc. (“NCO”). NCO hereby removes from the Circuit Court of Kanawha County, West Virginia, the following described and captioned lawsuit, and respectfully shows:

1. NCO is a co-defendant in the civil action filed by Plaintiff, Julia B. Gray, in the Circuit Court of Kanawha County, West Virginia, captioned as *Julia B. Gray v. Atkins Law Offices, LC and NCO Financial Systems, Inc.*, Civil Action No. 10-C-1561.

2. Pursuant to 28 U.S.C. §§ 1441 and 1446, NCO removes Plaintiff’s state court action to this Court, which is the judicial district in which the lawsuit is pending.

3. Plaintiff asserts claims under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.*

4. Removal of Plaintiff’s state court action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, the Court would have had original jurisdiction per

28 U.S.C. § 1331 and 15 U.S.C. § 1692k over the FDCPA claims as well as supplemental jurisdiction over the state claims.

5. Original jurisdiction on the basis of federal question jurisdiction exists because Plaintiff asserts claims under the FDCPA.

6. Pursuant to 28 U.S.C. § 1446(b), NCO has timely filed this Notice of Removal. Plaintiff's complaint was served on NCO on September 9, 2010. This Notice of Removal is filed within 30 days of receipt of the complaint by NCO and is, therefore, timely filed under 28 U.S.C. § 1446(b).

7. As of the date of this filing, all named Defendants that have been served with the State Court Action Complaint consent to removal of the State Court Action.

8. A copy of all process, pleadings and orders served upon NCO in the State Court Action is being filed with this Notice and is attached hereto as Exhibit 1.

**WHEREFORE**, based upon this Court's federal question and supplemental jurisdiction, Defendant, NCO Financial Systems, Inc., respectfully requests that this case proceed in this Court, as an action properly removed from the Circuit Court of Kanawha County, West Virginia.

Respectfully submitted,

**NCO FINANCIAL SYSTEMS, INC.**  
By Counsel,

\s\ Albert C. Dunn, Jr., Esquire (WVSB #5670)

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**CERTIFICATE OF COMPLIANCE WITH 28 U.S.C § 1446(D)**

I, Albert C. Dunn, Jr., counsel for Defendant, NCO Financial Systems, Inc., certifies that a copy of the Notice of Removal of this action was filed with the Clerk of the Circuit Court of Kanawha County, West Virginia. This filing occurred on October 4, 2010. Undersigned counsel further certifies that written notice of the removal was also given to all parties in this action, along with a copy of the Notice of Removal filed in this Court. This notice was given on October 4, 2010, to counsel of record for Plaintiff in this action via United States Regular Mail.

Respectfully Submitted,  
**NCO FINANCIAL SYSTEMS, INC.**  
By Counsel,

/s/ Albert C. Dunn, Jr., Esquire (WVSB #5670)

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**CERTIFICATE OF SERVICE**

I, Albert C. Dunn, Jr., hereby certify that on this 4th day of October, 2010, the foregoing "NOTICE OF REMOVAL", "CIVIL INFORMATION SHEET" and "CERTIFICATE OF COMPLIANCE WITH 28 U.S.C § 1446(D)" was filed electronically using the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including Plaintiff's counsel as described below. Parties may access this filing through the Court's system.

G. Christopher Gleason  
The Rose Law Firm, PLLC  
501 New Karner Road  
Albany, NY 12205

/s/ Albert C. Dunn, Jr., Esquire (WVSB #5670)